

MISCELLANEOUS CHOCOLATE AND SACCHARINE PRODUCTS

5646. Adulteration and misbranding of icing. U. S. v. 1 Wooden Tub of Kisky's Silver Frost. Default decree of condemnation and destruction. (F. D. C. No. 10778. Sample No. 55215-F.)

This product contained from 10 to 12 percent of mineral oil.

On September 18, 1943, the United States attorney for the Eastern District of Washington filed a libel against 1 wooden tub of Kisky's Silver Frost at Goldendale, Wash., alleging that the article had been shipped in interstate commerce on or about August 26, 1943, by the J. B. Kisky Co., Portland, Oreg.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that mineral oil, a non-nutritive substance, had been substituted in part for vegetable oil, which it was labeled to contain; and in that mineral oil, a non-nutritive substance, had been added to or mixed or packaged with the article so as to reduce its quality or strength.

It was alleged to be misbranded in that the statement appearing in its labeling, "Prepared from; Sugar, Vegetable Oils, Glycerine, Egg Albumen, Glucose, Invert Syrup, Salt, Lecithin, Vegetable Gums, Vanillin, Aliphatic acids, Ketones, Sesame Oil," was false and misleading as applied to an article that contained mineral oil.

On November 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5647. Adulteration of cake topping. U. S. v. 2 Barrels of Cake Topping. Default decree of destruction. (F. D. C. No. 10815. Sample No. 34246-F.)

On September 23, 1943, the United States attorney for the Southern District of Ohio filed a libel against 2 barrels, each containing about 175 pounds, of cake topping at Martins Ferry, Ohio, alleging that the article had been shipped in interstate commerce on or about July 23, 1943, by Hardesty & Stinemman, Pittsburgh, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of beetles, larvae, and insect fragments. The article was labeled in part: "H & S Brand Cake Topping."

On November 2, 1943, no claimant having appeared, judgment was entered ordering that the product be destroyed.

5648. Adulteration of imitation cocoa. U. S. v. 16 Bags of Imitation Cocoa. Decree of condemnation and destruction. (F. D. C. No. 10706. Sample No. 34229-F.)

On September 8, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 16 bags, each containing about 100 pounds, of imitation cocoa at Pittsburgh, Pa., alleging that the article had been shipped on or about May 25, 1943, by the Norda Essential Oil and Chemical Co. from New York City; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of larvae, pupae, cast skins, insect fragments, and rodent hair fragments. The article was labeled in part: "Norda Maid Imitation Cocoa Flavor."

On October 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5649. Misbranding of cocoa and chocolate stretcher. U. S. v. 275 Cases of Cocoa and Chocolate Stretcher. Default decree of condemnation and destruction. (F. D. C. No. 10278. Sample No. 42823-F.)

Examination showed that this product consisted of cocoa shells with added cocoa butter, and that it simulated cocoa in appearance and odor.

On July 22, 1943, the United States attorney for the Eastern District of Washington filed a libel against 275 cases, each containing 12 1-pound packages, of cocoa and chocolate stretcher at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about May 14, 1943, from San Francisco, Calif., by the Sheldon Products Co.; and charging that it was misbranded. The article was labeled in part: (Bags) "Food Craft Cocoa and Chocolate Stretcher."

The article was alleged to be misbranded in that the statement, "Cocoa and Chocolate Stretcher Doubles Portions" was false and misleading since the article would not double portions of cocoa and chocolate; in that the statement, "Use half and half with your favorite cocoa or chocolate to make cocoa and chocolate drinks, syrups, candy, frostings and milk shakes," was false and misleading since cocoa shells are not ingredients of cocoa and chocolate drinks, syrups, candy, frostings, and milk shakes; in that it was an imitation of another food, cocoa,

and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On January 19, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that was contaminated with mold, Nos. 5650 to 5652, incl., and 5666; below the legal standard for milk fat content, Nos. 5653 to 5665, incl., and 5667 to 5669, incl.; short-weight, Nos. 5666 and 5668 to 5670, incl.

5650. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions for use in the form of grease. (F. D. C. No. 10978. Sample No. 23821-F.)

Analysis showed that this product was contaminated with mold.

On August 11, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 8 64-pound tubs of butter at Philadelphia, Pa., alleging that the article had been shipped on or about August 5, 1943, by the Blue Ridge Creamery, Inc., from Luray, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance.

On September 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions for use in the form of grease.

5651. Adulteration of butter. U. S. v. 13 Cases and 12 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 11035. Sample Nos. 35470-F, 35471-F.)

This product contained mold.

On October 18, 1943, the United States attorney for the Northern District of Georgia filed a libel against 25 cases of butter at Atlanta, Ga., alleging that the article had been shipped on or about October 7, 1943, by the Borden Company from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: (Carton) "Morning Glory [or "Blue Ribbon"] Creamery Butter."

On November 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was denatured and delivered to a commercial firm for fat salvage.

5652. Adulteration of butter. U. S. v. 22 Boxes of Butter. Default decree of condemnation and destruction. (F. D. C. No. 10656. Sample No. 38915-F.)

Analysis showed that this product was contaminated with mold.

On July 31, 1943, the United States attorney for the Northern District of Indiana filed a libel against 22 32-pound boxes of butter at Highland, Ind., alleging that the article had been shipped in interstate commerce on or about July 14, 1943, by the Kankakee Butter Co. from Kankakee, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Carton) "Delicious Fine Creamery Butter."

On November 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5653. Adulteration of butter. U. S. v. Harold A. Hamilton (Eldorado Creamery Company). Plea of guilty. Fine, \$200. (F. D. C. No. 10537. Sample Nos. 31964-F, 42136-F.)

On September 15, 1943, the United States attorney for the Southern District of Ohio filed an information against Harold A. Hamilton, trading as the Eldorado Creamery Company, Eldorado, Ohio, alleging shipment within the period from on or about February 10 to May 1, 1943, from the State of Ohio into the State of Indiana of quantities of butter that was adulterated. The article was labeled in part: "Wayne County Farm Bureau Produce Ass'n Distributors Richmond, Indiana Creamery Butter."